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Earth Energy Resources, Inc.*

**FILED**

**FEB 17 2011**

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

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BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

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LIVING RIVERS,

Petitioner,

v.

DIVISION OF OIL, GAS AND MINING,

Respondent,

EARTH ENERGY RESOURCES, INC.,

Intervenor-Respondent.

**EARTH ENERGY RESOURCES, INC.'S  
EXHIBIT LIST**

Docket No. 2010-027

Cause No. M/047/0090 A

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Intervenor-Respondent, Earth Energy Resources, Inc. ("EER"), by and through its counsel, respectfully submits the following Proposed List of Exhibits for the hearing on Living Rivers' Request for Agency Action to be held on February 23, 2011:

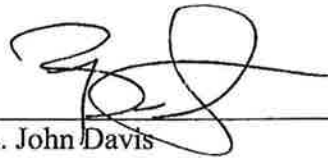
- *Notice of Intent to Commence Large Mining Operations PR Spring Mine*, approved by the Division of Oil, Gas and Mining September 19, 2009;
- *Letter in support of Earth Energy Resources, Inc.*, dated January 20, 2011, from Thomas B. Faddies, Assistant Director, Mining Group, School and Institutional Trust Lands Administration to Douglas E. Johnson, Chairman, Board of Oil Gas and Mining;

- *Letter regarding PR Spring Tar Sands Project, Uintah and Grand Counties, Utah, Ground Water Discharge Permit-by-Rule*, dated February 8, 2011, from Barclay Cuthbert, Vice President, Earth Energy Resources, Inc. to Rob Herbert, Utah Division of Water Quality;
- *Letter regarding PR Spring Tar Sands Project, Uintah/Grand Counties, Utah Revised Ground Water Discharge Permit-by-Rule*, dated February 15, 2011, from Rob Herbert, P.G., Manager Ground Water Protection Section, Division of Water Quality to Barclay Cuthbert, Earth Energy Resources, Inc.;
- *Aerobic Biodegradation of Selected Monoterpenes*, Appl Microbiol Biotechnol (1996);
- *Biodegradation Regulatory Statement for D-limonene*, Florida Chemical Company, Inc. (August 2005);
- *Letter regarding Food and Drug Administration's Determination that D-limonene is Generally Recognized as Safe (GRAS)*, dated October 29, 1990 from Joe K. Holloway, Assistant to the Director, Division of Regulatory Guidance, Center for Food Safety and Applied Nutrition, to H.E. Shultz, President, Florida Chemical Company, Incorporated;
- *Orange Terpene Material Safety Data Sheet*, Frutech International Corporation (March 7, 1997);
- *D-limonene Material Safety Data Sheet*, Florachem Corporation (August 2001);
- Demonstrative Exhibit: The OPHUS Process Design Schematic;
- Demonstrative Exhibit: Topographic Map;
- Demonstrative Exhibit: Aerial Photograph;
- Demonstrative Exhibit: Google Earth Image of Mine Site;
- Demonstrative Exhibit: Google Earth Image of Mine Site with Detailed Mine configuration overlay;
- Demonstrative Exhibit: Spreadsheet of Process Calculations;
- *Expert Report of Robert J. Bayer* (February 1, 2011);
- *Expert Report of Karla Knoop* (February 1, 2011);
- *Settlement Agreement*, by and between Southern Utah Wilderness Alliance, the Utah Chapter of the Sierra Club, Earth Energy Resources, Inc., and the Utah Division of Oil, Gas and Mining;

- Documents regarding uses of D-limonene;
- Enlargements of any of the above listed materials, or portions thereof.

DATED this 17<sup>th</sup> day of February, 2011.

HOLME ROBERTS & OWEN LLP

A handwritten signature in black ink, appearing to be 'A. John Davis', written over a horizontal line.

A. John Davis  
Christopher R. Hogle  
M. Benjamin Machlis  
Attorneys for Earth Energy Resources, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 17<sup>th</sup> day of February, 2011, a true and correct copy of the foregoing **EARTH ENERGY RESOURCES, INC.'S EXHIBIT LIST** was served via email as follows:

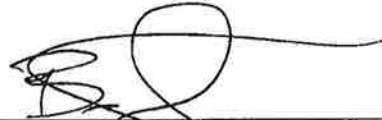
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